

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
MARGARET W. LAMBROSE  
3 Assistant Federal Public Defender  
Nevada State Bar No. 11626  
4 411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
5 (702) 388-6577/Phone  
(702) 388-6261/Fax  
6 Maggie\_Lambrose@fd.org

7 Attorney for Emile Edward Bouari

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 EMILE EDWARD BOUARI, et al.,  
15 Defendant.

Case No. 2:16-cr-00032-JCM-GWF

**STIPULATION TO CONTINUE  
MOTION DEADLINES AND TRIAL  
DATES**  
(Ninth Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Robert Knief, Assistant United States Attorney, counsel  
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
20 Margaret W. Lambrose, Assistant Federal Public Defender, counsel for Emile Edward Bouari,  
21 and Bret O. Whipple, Counsel for Mary Diane Green, and Thomas Ericsson, counsel for  
22 Kimberly Ann Milko that the calendar call currently scheduled for May 1, 2019, and the trial  
23 scheduled for May 6, 2019, be vacated and set to a date and time convenient to this Court, but  
24 no sooner than ninety (90) days.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
26 and including July 1, 2019, to file any and all pretrial motions and notices of defense.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including July 15, 2019, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
4 shall have to and including July 22, 2019, to file any and all replies to dispositive motions.

5 The Stipulation is entered into for the following reasons:

6 1. Counsel for the defendants need additional time to conduct investigation in this  
7 case in order to determine whether there are any pretrial issues that must be litigated and  
8 whether the case will ultimately go to trial or will be resolved through negotiations.

9 2. The defendants are not incarcerated and do not object to the continuance.

10 3. The parties agree to the continuance.

11 4. The additional time requested herein is not sought for purposes of delay, but  
12 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
13 complete investigation of the discovery materials provided.

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1           5.       Additionally, denial of this request for continuance could result in a miscarriage  
2 of justice. The additional time requested by this Stipulation is excludable in computing the time  
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
5 Section 3161(h)(7)(B)(i), (iv).

6           This is the ninth stipulation to continue filed herein.

7           DATED this 23rd day of April, 2019.

8           RENE L. VALLADARES  
9           Federal Public Defender

          NICHOLAS A. TRUTANICH  
          United States Attorney

10          /s/ Margaret W. Lambrose  
By \_\_\_\_\_

          /s/ Robert Knief  
By \_\_\_\_\_

11          MARGARET W. LAMBROSE  
12          Assistant Federal Public Defender  
          Counsel for Emile Bouari

          ROBERT KNIEF  
          Assistant United States Attorney  
          Counsel for United States

13          /s/ Bret O. Whipple  
14          By \_\_\_\_\_

          /s/ Thomas A. Ericsson  
By \_\_\_\_\_

15          BRET O. WHIPPLE  
16          Counsel for Mary Diane Green

          THOMAS A. ERICSSON  
          Counsel for Kimberly Milko

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMILE EDWARD BOUARI, et al.,

Defendant.

Case No. 2:16-cr-00032-JCM-GWF

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendants need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendants are not incarcerated and do not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including July 1, 2019 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including July 15, 2019 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including July 22, 2019 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the \_\_\_\_ day of \_\_\_\_\_, 2019, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for May 1, 2019, at the hour of 1:30 p.m., be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_:\_\_\_\_.m.; and the trial currently scheduled for May 6, 2019, at the hour of 9:00 a.m., be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_:\_\_\_\_.m.

DATED this \_\_\_\_ day of April, 2019.

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UNITED STATES DISTRICT JUDGE